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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,405	05/20/2004	Craig A. Petersen	T-4409	6981

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EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/849,405

Applicant(s)

PETERSEN, CRAIG A.

Examiner

Alexandra K Pechhold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date filed 5/20/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Defrance et al (US 4,840,514).**

Regarding claim 1, Defrance discloses a pit comprising:

- a subsurface pit enclosure buried beneath a ground surface, which is inherently below Defrance's manhole,
- a pit lid support, seen as frame (1), having an upper face level with the ground surface and located atop the subsurface pit and having an access opening down into the pit enclosure surrounded by a lid supporting rim, seen as annular lip (2), located beneath the upper face, a hinge pocket, seen as receptacle (5), having opposing side walls, seen in Fig. 3, defined in the pit lid support immediate adjacent the lid access opening and the lid supporting rim, and a pair of hinge axle end slots defined in the lid support on opposing sides of the hinge pocket, seen as the opposing ends of the outermost region (10) of trough (7), and extending in opposite directions from the hinge pocket side walls, and the hinge axle end slots are inclined

upwardly and away from the access opening and intersect the upper face of the lid support, as seen in Figs. 6-8 and disclosed in col 2, lines 43-45,

- a pit lid, seen as cover (4), having a body configured to seat upon the lid supporting rim (see Col 2, lines 53-58) and thereby close the access opening and having a hinge leaf projecting laterally from the body, seen as hinge lug (16), and including a pair of hinge axle ends, seen as the "T" ends of lug (16) in fig. 4, projecting in opposite directions from opposite sides of the leaf so as to extend into the pair of hinge axle end slots, and the lid is completely removable from the support when swung open beyond perpendicular alignment, as seen in Fig. 8, and the axle ends are captured in the axle end slots when the lid is shut close as seen in Fig. 6.

Regarding claim 2, in Fig. 7 of Defrance, the upwardly sloping bottom surface (12) is depicted at what appears to be an angle of about 120 degrees relative to the upper face of the lid support.

Regarding claim 3, Defrance discloses a pit with a detachable lid comprising:

- a subsurface pit enclosure buried beneath a ground surface, which is inherently below Defrance's manhole,
- a pit lid support, seen as frame (1), disposed atop the pit and having an upper face level with the ground surface and located atop the subsurface pit and having an ring recessed beneath the flat upper surface, seen as annular lip (2), a hinge seating pocket, seen as receptacle (5), having opposing side walls and an end wall therebetween, seen in Fig. 3, and

inclined hinge axle end receiving slots defined in the flat upper surface of the lid support, seen as the opposing ends of the outermost region (10) of trough (7), wherein the slots reside in mutually coplanar relationship and intersect both the pocket side walls and are inclined downwardly from the flat upper surface toward the lid seating ring, as seen by the sloping surface (12) in Figs. 6-8 and disclosed in col 2, lines 43-45,

- a pit lid, seen as cover (4), configured to seat within the confines of the support upon the ring (see Col 2, lines 53-58) and having a hinge leaf projecting laterally into the hinge pocket, seen as hinge lug (16), and hinge axle ends, seen as the "T" ends of lug (16) in Fig. 4, projecting in opposite directions transversely in opposite directions from each other and from leaf and into the hinge axle end slots, whereby the axle ends are captured in the slots when the lid is seated on the ring and the lid is completely detachable from the lid support when the pit lid is unseated from the seating ring and rotated back away from the seating ring, as seen in Figs. 6 and 8.

Regarding claim 4, in Fig. 7 of Defrance, the upwardly sloping bottom surface (12) is depicted at what appears to be an angle of about 120 degrees relative to the upper face of the lid support.

Regarding claim 5, Defrance discloses a pit lid assembly comprising:

- a lid frame, seen as frame (1), having a structure defining a flat upper deck, an access opening encompassed within an upwardly facing

peripheral bearing ledge, seen as lip (2), that is lower than and supported by the deck, and a hinge leaf pocket, seen as receptacle (5), formed in the frame structure adjacent the access opening to define a pair of opposing pocket side walls, and a pair of hinge axle end seating slots, seen as the opposing ends of the outermost region (10) of trough (7), extending into the deck of the frame structure and through both of the side walls, and the slots are in mutually coplanar alignment with each other and extend at an inclination downwardly from the deck and inwardly toward the access opening, and the hinge axle end slots terminate no lower than the level of the bearing ledge, as seen by the sloping surface (12) in Figs. 6-8 and disclosed in col 2, lines 43-45,

- a pit lid, seen as cover (4), configured to seat atop the ledge within the frame structure (see Col 2, lines 53-58),
- a hinge leaf projecting from the lid and into the hinge pocket, seen as hinge lug (16), and hinge axle ends, seen as the "T" ends of lug (16) in Fig. 4, that project in opposite directions from the hinge leaf and are engageable in the axle end slots and are captured therein when the pit lid is seated atop the ledge and the ends are disengageable from the hinge axle end slots so as to permit complete detachment of the pit lid from the lid frame when the lid is unseated from the ledge, as seen in Figs. 6 and 8.

Regarding claim 6, in Fig. 7 of Defrance, the upwardly sloping bottom surface (12) is depicted at what appears to be an angle of about 120 degrees.

Regarding claim 7, Defrance discloses a pit lid assembly comprising:

- a frame, seen as frame (1), capable of installation into a surface across which aircraft travel and which defines a pit access opening therethrough entirely within its structure and the opening is surrounded by a flat horizontal deck, which inherently will be the ground around the assembly, and the structure of the frame has a recessed bearing ledge, seen as lip (2), beneath the deck, encompassing the opening and a hinge pocket, seen as receptacle (5), formed in the frame structure, and said hinge pocket has mutually opposing, upright pocket side walls extending downwardly from the deck, seen in Figs. 2 and 3, and a pair of inclined hinge axle end slots are defined in the deck on opposing sides of the pocket, seen as the opposing ends of the outermost region (10) of trough (7), and the slots intersect the deck and side walls and are inclined downwardly from the deck and toward the opening and the axle ends slots are in coplanar relationship with each other, seen by the sloping surface (12) in Figs. 6-8 and disclosed in col 2, lines 43-45,
- a lid, seen as cover (4), having a flat upper surface and formed of a size and shape that fits within the lateral confines of the deck to rest upon the lip (2) (see Col 2, lines 53-58), and a hinge leaf, seen as hinge lug (16), projects laterally outwardly from the lid and into the hinge pocket, configured to seat atop the ledge within the frame structure, and

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- horizontally disposed hinge axle ends extending transversely from the hinge leaf and beyond the side walls and into the end slots, thereby forming a horizontal axis of lid rotation relative to the frame that is beneath the level of the deck (see Figs. 6-8), and the hinge axle ends are captured in the hinge axle end slots when the lid is lowered to rest upon the bearing ledge (see Fig. 6), and the hinge axle ends are completely disengageable from the end slots when the lid is raised to exposed the access opening (see Fig. 8).

Regarding claim 8, in Fig. 7 of DeFrance, the upwardly sloping bottom surface (12) is depicted at what appears to be an angle of about 120 degrees.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

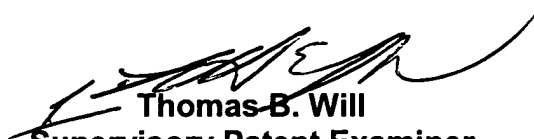


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

  
**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

AKP  
2/14/05